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FISH & RICHARDSON, PC				
P.O. BOX 1022				
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/753,086
Filing Date: December 28, 2000
Appellant(s): HATALKAR, ATUL N.

John F. Conroy, Reg. No. 45,485
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5-19-08 appealing from the Office action mailed 11-16-07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6622303	YAMASHITA	9-2003
6718551	SWIX	4-2004
7039932	ELDERING	5-2006

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 27, 30-31; 36-37, 39, 41 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,622,303 by Yamashita.

Regarding claim 27, a method comprising:

compiling a first map that associates identifiers of clients in a digital cable broadcast system with identifiers of groups of two or more clients in the digital cable broadcast system (Yamashita: col. 4, lines 45-57; clients get an ID# and subscriber contract data; lines 57- col. 5, line 2);

transmitting the first map to available clients in the digital cable broadcast system (Yamashita: col. 4, lines 45-57);

compiling a second map in which associations between subscriber identifiers and client group identifiers have been changed (Yamashita: col. 6, lines 33-43);

transmitting the second map to available clients in the digital cable broadcast system (Yamashita: col. 5, lines 23-25); and

broadcasting digital cable content intended to be accessible only by a subset of available clients to all available clients in the digital cable broadcast system, wherein accessible content is content that is to be output to client displays (Yamashita: col. 5, lines 25-30; pay per view material), and wherein said broadcasting comprises

associating the digital cable content with a first identifier of a first group of two or more clients (Yamashita: col. 5, lines 32-40) and broadcasting the first identifier in association with the digital cable content (Yamashita: col. 3, line 62- col. 4, line 5); and

configuring clients in the digital cable broadcast system to compare the first group identifier broadcast in association with the digital cable content with any group identifiers from a most recently received one of the first map and the second map that were associated with an identifier of the client (Yamashita: col. 5, lines 14-40), to determine if the digital cable content is to be discarded at the client, wherein discarded content is content that is not to be output to client displays (Yamashita: col. 5, lines 49-54).

Regarding claim 30, the method of claim 27, further comprising receiving a definition of a premium content group of two or more clients, wherein the clients in the premium content group pay for premium content (Yamashita: col. 5, lines 49-55).

Regarding claim 31, the method of claim 30, wherein broadcasting the digital cable content comprises broadcasting premium content in association with an identifier of the premium content group (Yamashita: col. 5, lines 49-55).

Regarding claim 36, a broadcast system (Yamashita: col. 2, lines 17-22) comprising:

a data transmission network (Yamashita: Fig. 1);
a head end (Yamashita: Fig. 1, tag 2 digital broadcast system) comprising
a map that associates identifiers of clients in the broadcast system with identifiers
of groups of two or more clients in the broadcast system (Yamashita: col. 4, lines 45-57;
clients get an ID# and subscriber control #, lines 57- col. 5, line 2),

logic to associate content that is to be broadcast with an appropriate group
identifier (Yamashita: col. 4, lines 45-57; clients get an ID# and subscriber control #),
and

a transmitter to transmit the map and broadcast the content in association with
the appropriate group identifier over the data transmission network even when the
content is intended to be accessible only by a subset of available clients in the
broadcast system, wherein accessible content is content that is to be output to a client
display (Yamashita: col. 5, lines 23-30; pay per view material); and

a collection of clients, each client comprising
a receiver to receive the broadcast content in association with the appropriate
group identifier and the map from the head end over the data transmission network
(Yamashita: col. 5, lines 32-40),

logic to identify one or more groups to which the client belongs from the received
map (Yamashita: col. 5, lines 32-40), and

logic to compare group identifiers associated with received broadcast content to
group identifiers of any identified groups to determine if the broadcast content is
accessible content that is to be output to a client display or inaccessible content that is
not to be output to the client display (Yamashita: col. 5, lines 49-54).

Regarding claim 37, the broadcast system of claim 36, wherein the broadcast system
comprises a digital cable broadcast system (Yamashita: col. 2, lines 17-22).

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Regarding claim 39, the broadcast system of claim 36, wherein the head end further comprises:

logic for changing the map associations between client identifiers and client group identifiers (Yamashita: col. 6, lines 33-43).

Regarding claim 41, the broadcast system of claim 36, wherein the map comprises a definition of a premium content group of two or more clients, wherein the clients in the premium content, group pay for premium content (Yamashita: col. 5, lines 49-55).

Claims 28-29, 34-35; 38, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,622,303 by Yamashita in view of U.S. Patent No. 6,718,551 by Swix et al.

Regarding claim 28, the Yamashita reference teaches the method of claim 27.

The Yamashita reference fails to teach geographic areas.

However, the Swix reference teaches

receiving a definition of a geographic group of two or more clients, wherein the clients in the geographic group are in a geographic area (Swix: col. 3, lines 3-9) because advertisements built with geographic region can be targeted (Swix: col. 3, lines 3-23).

It would have been obvious to one of ordinary skill in the art to create the method of claim 27 by Yamashita to include groups based on geographic area to provide targeted advertisements (Swix: col. 3, lines 3-23).

Regarding claim 29, the Yamashita reference teaches the method of claim 28.

The Yamashita reference fails to teach geographic areas.

However, the Swix reference teaches

broadcasting the digital cable content comprises broadcasting an advertisement in association with an identifier of the geographic group (Swix: col. 3, lines 3-23)

because advertisements built with geographic region can be targeted (Swix: col. 3, lines 3-23).

It would have been obvious to one of ordinary skill in the art to create the method of claim 27 by Yamashita to include groups based on geographic area to provide targeted advertisements (Swix: col. 3, lines 3-23).

Regarding claim 34, the Yamashita reference teaches the method of claim 27.

The Yamashita reference fails to teach a new group.

However, the Swix reference teaches

compiling the second map comprises compiling the second map to associate identifiers of clients with an identifier of a new group that has been added since broadcast of the first map (Swix: col. 8, lines 44-65) because adding a second group for categorizing the profile of the user enables better targeted advertising (Swix: col. 3, lines 3-23).

It would have been obvious to one of ordinary skill in the art to create the method of claim 27 by Yamashita to include updating profiles with groups based on acquired interests to provide targeted advertisements (Swix: col. 3, lines 3-23).

Regarding claim 35, the Yamashita reference teaches the method of claim 27.

The Yamashita reference fails to teach a new group.

However, the Swix reference teaches compiling the second map comprises:

accessing a client profile database that includes information that profiles clients in the digital cable broadcast system (Swix: col. 8, lines 55-65); and

changing the associations between subscriber identifiers and client group identifiers based on the information included in the client profile database (Swix: col. 8, lines 45-65) because updating and adding associations between clients and groups for categorizing the profile of the user enables better targeted advertising (Swix: col. 3, lines 3-23).

It would have been obvious to one of ordinary skill in the art to create the method of claim 27 by Yamashita to include updating profiles with groups based on acquired interests to provide targeted advertisements (Swix: col. 3, lines 3-23).

Regarding claim 38, the Yamashita reference teaches the broadcast system of claim 36.

The Yamashita reference fails to teach a database.

However, the Swix reference teaches a head end further comprises:

a client profile database that includes information that profiles clients in the broadcast system (Swix: col. 8, lines 55-65); and

logic to compile the map based, on client profiles in the client profile database (Swix: col. 55- col. 9, line 2) in order to associate clients with profiles or categories for targeted advertising.

It would have been obvious to one of ordinary skill in the art to create the method of claim 36 by Yamashita to include updating profiles with groups based on acquired interests to provide targeted advertisements (Swix: col. 3, lines 3-23).

Regarding claim 40, the Yamashita reference teaches the broadcast system of claim 36.

The Yamashita reference fails to teach a database.

However, the Swix reference teaches, wherein the map comprises a definition of a geographic group of two or more clients, wherein the clients in the geographic group are in geographic area (Swix: col. 3, lines 3-10) because adding a second group for categorizing the profile of the user enables better targeted advertising (Swix: col. 3, lines 3-23).

It would have been obvious to one of ordinary skill in the art to create the method of claim 27 by Yamashita to include updating profiles with groups based on acquired interests to provide targeted advertisements (Swix: col. 3, lines 3-23).

Claims 32-33, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,622,303 by Yamashita in view of U.S. Patent No. 7,039,932 by Eldering et al.

Regarding claim 32, the Yamashita reference teaches the method of claim 27.

The Yamashita reference fails to teach child-containing household.

However the Eldering reference teaches receiving a definition of a child-containing household group of two more clients, wherein the clients in the child-containing household group report children present in the household (Eldering: col. 2, lines 6-33) in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method as taught by Yamashita to include child household profile information as taught by Eldering in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

Regarding claim 33, the Yamashita reference teaches the method of claim 32.

The Yamashita reference fails to teach child-containing household.

However the Eldering reference teaches, wherein broadcasting the digital cable content comprises broadcasting a catalog of toys in association with an identifier of the child containing household group (Eldering: col. 2, lines 6-33) in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method as taught by Yamashita to include child household profile information as taught by Eldering in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

Regarding claim 42, the Yamashita reference teaches the broadcast system of claim 36.

The Yamashita reference fails to teach child-containing household.

However, the Eldering reference teaches, wherein the map comprises a definition of a child-containing household group of two or more clients, wherein the clients in the child-containing household group report children present in the household (Eldering: col. 2, lines 6-33) in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method as taught by Yamashita to include child household profile information as taught by Eldering in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

(10) Response to Argument

The Appellant Argues:

That the Yamashita reference does not teach "a first map that associates identifiers of clients in a digital cable broadcast system with identifiers of groups of two or more clients in the digital cable broadcast system."

In response, the examiner respectfully submits:

The Yamashita reference anticipates the claimed limitation because Yamashita teaches mapping identifiers of clients with identifiers of groups in EMM data (Yamashita: col. 4, lines 45-57).

The client identifiers are the "identification numbers" taught to be uniquely assigned to clients from a group of identification numbers in col. 4, lines 45-57. It is important to note that there is a plurality of subscribers in a CATV broadcast system, such plurality is noted in col. 2, line 1 'subscribers' and lines 20-22 where a plurality of "contracts" are managed.

The identifiers of groups are the subscriber control data that are also submitted via the EMM (Entitlement management message), the contract data. This control signal allows groups of clients the ability to decode and view certain broadcasted content

(Yamashita: col. 6, lines 14-17). Different contract data place the subscribers in different groups by allowing them to receive and process different sets of data from the CATV such as watch a particular pay channel or program.

The pairing of the 1) identification number with the 2) subscriber control data is the mapping in the EMM sent with the transport stream (col. 4, lines 1-13). The stream includes broadcast content that is the video and audio data directly associated with channels and premiums levels of access that the subscriber can contract. The control signal identifies groups of content the client can access by uniquely defining the client's access rights to certain channels or types of content. The content is then addressed as channels and stations and broadcasted out to all clients, but only the clients who subscribe to that group of data may view and access it.

The terminology of claim 27 and 36 imply a one-to-one correspondence between identifiers of clients with identifiers of groups. In the interpretation of Yamashita, the group is interpreted to be the collection of two or more clients who receive and view the same data in a broadcast network. Further, the terms first and second map are not interpreted be data structures containing complete listings. The maps are there to 'associate' identifiers of clients with identifiers of groups. The EMM described and illustrated is a single interest in a CATV broadcast system that will support many subscribers and support any number of EMMs sent between the subscribers and broadcast system.

Yamashita: col. 4, lines 57 – col. 5, line 2 supports the idea that this EMM signal is checked against two or more group numbers by teaching when broadcasting a program, "the digital CATV broadcast system determines whether or not the identification of the EMM information matches one of identification numbers of the groups used for the digital CATV broadcast system.

The Yamashita reference teaches the mapping and transmitting of the mapping to the many receiving devices (Fig. 1, tag 3). Those devices each have their own identifiers associated with their contractual data. The subscriber control data is used to authorize receiving units to access specific data such as channels, pay per view,

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services (Yamashita: col. 6, lines 14-17). The groups of two or more [as in claim 27] and one or more [as in claim 36] are the different contract data placing the user in different groups that each are allowed to receive different sets of data from the CATV. This mapping between identifier information and the group information is clear by Yamashita's use of identification numbers with contract information (col. 7, lines 6-28).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Benjamin R Bruckart/
Examiner, Art Unit 2146

Conferees:

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2146

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145